

From: Dan Garthwaite
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Thank you for this moment to be an active citizen, I'll be brief.

Here I sit, working for a Fortune 500 company, using Microsoft's Outlook email client, the number one propagator of modern computer worms, viral or not. I am, by trade, a UNIX Administrator, but am forced to use the very product that causes myself and my company's resources so much energy to clean up after, time and time again.

When, in computer's short history, did we become subservient to the software? I believe it was when it left the hands of researchers, academia, and hobbyist, and left the "courts" of peer review. Not that our company doesn't generate a large portion of its revenues from developing closed source software, but our products are designed by engineers according to procedures of peer review and built upon accepted standards that were borne of the purpose of interoperability between computing efforts. Microsoft, with it's constant onslaught of Embrace and Extend, and/or simply annihilation of its competition via acquisition, and its understandable position of subservience to it's shareholders to ever maximize its shareholder value, expose themselves to no such review.

Indeed, they mustn't, for to do so is to open themselves to litigation by those shareholders. In this capitalistic republic, what investment firm doesn't own a piece of Microsoft, and in that light, what Market participating American? Microsoft is forced to continuously break the law for the purpose of self-preservation unless a stronger motivator (government regulation) suppresses the ability of its shareholders to litigate.

The proposed settlement does nothing to curb Microsoft's future actions, certainly does nothing to reprimand past actions, and the proof of both is that even in light of Judge Jackson's findings, and the proposed settlement, it hasn't changed any of it's illegal monopolistic leveraging. That alone should be proof that the proposed settlement is entirely un-enforceable, and in-effectual.

-Dan Garthwaite
Science Applications International Corporation
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